

REMARKS

The Amendment and Reply is intended to be completely responsive to the Final Office Action dated September 27, 2006. Applicants respectfully request reconsideration of the present Application in view of the foregoing amendments and in view of the reasons that follow. Claims 1-41 have been rejected. Claims 1, 22-24, 30, 31, 32 and 35 have been amended. No new matter has been added. Accordingly, Claims 1-41 will remain pending in the present Application upon entry of this Amendment and Reply.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claim Rejections – 35 U.S.C. § 103(a)

In Section 3 of the Detailed Action, the Examiner rejected Claims 1-12 and 18-41 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,366,104 to Armstrong (“Armstrong”) in view of U.S. Patent Publication No. 2002/0148846 to Luburic (“Luburic”). In Section 4 of the Detailed Action, the Examiner rejected Claims 13-17 under 35 U.S.C. § 103(a) as being unpatentable over Armstrong and Luburic in further view of U.S. Patent No. 5,699,912 to Ishikawa (“Ishikawa”).

With respect to Armstrong, the Examiner asserted:

Armstrong '104 discloses a hermetic storage system for containing wipes comprising: a flexible container (11) having a collar (flange 21 which extends outwardly away from outboard edge and has a generally upwardly facing surface 22 edge) having a first connector (rolled over section 19) surrounding an aperture; and an impermeable cover member (12) having a second connector (27); wherein the first connector includes one of a groove and a key and the second connector includes the other one of the groove and the key; wherein the groove includes a first peripheral wall and a second peripheral wall, at least one of the first peripheral wall and the second peripheral wall being flexible and wherein the first peripheral wall includes an indentation and protrusion (see Figures

7-9 embodiments); and wherein the first connector and the second connector may be releasably engaged to provide a hermetic seal.

The Examiner correctly acknowledged that Armstrong does not teach:

the key to have a width greater than the distance between the protrusion and the second peripheral wall of the groove and at least one of the first peripheral wall and the second peripheral wall configured to flex in response to the key passing between the protrusion and the second peripheral wall.

The Examiner cited to Luburic and asserted:

Luburic discloses a hermetic storage system where the key has a width greater than the distance between the protrusion and the second peripheral wall of the groove and at least one of the first peripheral wall and the second peripheral wall configured to flex in response to the key passing between the protrusion and the second peripheral wall for easier and tighter snapping action to provide a tighter hermetic seal.

The Examiner concluded:

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide a key and groove arrangement with the key having a width greater than the distance between the protrusion and at least one of the first peripheral wall and the second peripheral wall configured to flex in response to the key passing between the protrusion to the container of Armstrong '104 as taught by Luburic to provide a better and tighter hermetic seal when the lid is closed on the body of the container.

Armstrong is directed to a "Container with Hinged Lid" and discloses a "container 10 including a base 11 and an openable and closeable lid 12 hingeably mounted on the base 11" (col. 2, lines 52-54). Both the base and the lid "are made of a moldable synthetic resin and have a uniform wall thickness throughout" (col. 1, lines 45-47). The base 10 includes a "bottom wall 13 and a plurality of upstanding sidewalls 14 and a rear sidewall 14A connected to the bottom wall 13" (col. 2, lines 54-56).

Luburic is directed to a “Container and Lid having Gasketless Liquid Seal” and discloses a “container 10” that includes a “generally tapered upper edge 12 that defines an upwardly directed opening” (paragraph [0024], lines 3-4).

Ishikawa et al. is directed to a “Container for Wetted Tissues” and discloses a “container 10” that includes a “container body 11, an upper opening 11a and a flange 12 extending along an outer peripheral edge of the opening 11a” (col. 4, lines 32-35).

Claim 1 (as amended) is in independent form and recites a “hermetic storage system for containing wipes” comprising, in combination with other elements, a “container configured for holding the wipes, the container formed of a first material . . . the first material being formed of a flexible film material” and a “collar coupled to the open first end of the container, the collar formed of a second material . . . the second material being substantially rigid relative to the first material” (emphasis added). Claims 2-23 depend from independent Claim 1 (as amended).

Claims 24, 30 and 31 (as amended) are in independent form and recite a “hermetic storage system for containing wipes” comprising, in combination with other elements, a “container configured for holding the wipes, the container formed of a flexible film material and a “collar coupled to the [container] . . . the collar being formed independent of the container as a separate member” (emphasis added). Claims 25-29 depend from independent Claim 24 (as amended).

Claim 32 (as amended) is in independent form and recites a “hermetic storage system for containing wipes” comprising, in combination with other elements, “flexible containing means including a receptacle formed of a flexible film material . . . the flexible containing means further includes a collar coupled to a first end of the receptacle . . . the collar being formed independent of the receptacle as a separate member” (emphasis added). Claims 33-34 depend from independent Claim 32 (as amended).

Claim 35 (as amended) is in independent form and recites a “method for making a hermetic storage system for containing wipes” comprising, in combination with other steps, “providing a container configured for holding at least one wipe, the container formed of a

flexible film material" and "providing a collar formed independent of the container as a separate member" (emphasis added). Claims 36-41 depend from independent Claim 35 (as amended).

The "hermetic storage systems for containing wipes" recited in independent Claims 1, 24 and 30-32 (as amended) and the "method for making a hermetic storage system for containing wipes" recited in independent Claim 35 (as amended) would not have been obvious in view of Armstrong, alone or in any proper combination with Luburic and/or Ishikawa et al. under 35 U.S.C. § 103(a).

For example, contrary to the assertion of the Examiner, Armstrong, alone or in any proper combination with Luburic and/or Ishikawa et al., does not disclose, teach or suggest the use of a "container formed of a flexible film material" as recited in independent Claims 1, 24, 30-32 and 35 (as amended). The term "flexible," as used in the present Application with respect to the container, has been expressly defined by the Applicants (for purposes of the present Application) as "a structure that does not substantially restrict the pliability of the container" and "may be readily folded, crushed, bent, shaped, etc. without requiring substantial force from a user." See, e.g., present Application, paragraph [0009], lines 4-9. The container of the present Application can be thought of as a bag or pouch that is subsequently coupled to a separate relatively rigid member (i.e. collar). Providing a container with such a flexible structure allows it "to be more suitably stored in places of limited size such as pockets, purses, briefcases, backpacks, vehicle storage compartments, diaper bags and the like" since the container can conform and/or adapt to its surroundings. See, e.g., present Application, paragraph [0008], lines 18-20.

In contrast, Armstrong, Luburic and Ishikawa et al. all disclose containers that are relatively rigid or stiff and designed to maintain their shape when stacked or stowed. While the containers of Armstrong, Luburic and Ishikawa et al. may fall under a broad definition of "flexible" (i.e., capable of being at least partially flexed without breaking) since the containers are formed of a moldable resin or plastic, neither Armstrong, Luburic, nor Ishikawa et al. disclose, teach or suggest containers formed of a "flexible" material as that term is expressly defined in the present Application.

Further, Armstrong, alone or in any proper combination with Luburic and/or Ishikawa et al., does not disclose, teach or suggest: i) a “collar coupled to the open first end of a container, the collar formed of a second material . . . the second material being substantially rigid relative to the [material of the container]” as recited in independent Claim 1 (as amended); ii) a “collar being formed independent of a container [(formed of a flexible film material)] as a separate member” as recited in independent Claims 24, 30 and 31 (as amended); iii) a “collar being formed independent of a receptacle [(formed of a flexible film material)] as a separate member” as recited in independent Claims 32 (as amended); or iv) “providing a collar formed independent of a container as a separate member” as recited in independent Claim 35 (as amended).

In contrast, Armstrong discloses “the upper edge 18 of each of the sidewalls 14 and 14A, including the radiused sections 17 includes a rolled over section 19, in the form of an inverted U, terminating at an outboard edge thereof in a first flange 21 which extends outwardly away from the outboard edge and has a generally upwardly facing surface 22 thereon” (col. 2, lines 61-67). Assuming arguendo that the “flange 21” of Armstrong is a collar (as asserted by the Examiner), the flange 21 is integrally formed with the sidewalls of the container rather than being provided as a separate member that is coupled to the sidewall. Luburic and Ishikawa et al., like Armstrong, fail to disclose, teach or suggest a separate collar member that is coupled to an open end of the container.

Further, there is no support for an argument that providing an individually formed collar, in combination with a container formed of a flexible film material, is simply constructing a formerly integral structure in various elements. The record does not support such an argument since the cited references do not disclose, teach or suggest a container formed of a “flexible” material, as expressly defined in the present Application, in combination with a collar, either integrally or as a separate member.

To transform the “Container with Hinged Lid” of Armstrong, the “Container Lid having Gasketless Liquid Seal” of Luburic, and the “Container for Wetted Tissues” of Ishikawa et al. into a “hermetic storage systems for containing wipes,” as recited in independent Claims 1, 24

and 30-32 (as amended), and a “method for making a hermetic storage system for containing wipes,” as recited in independent Claim 35 (as amended), would require still further modification, and such modification is taught only by the Applicants’ own disclosure. For example, the only teaching or suggestion to form a container for containing wipes of a flexible film material comes from the Applicants’ own disclosure. Thus, the “hermetic storage systems for containing wipes” recited in independent Claims 1, 24 and 30-32 (as amended) and the “method for making a hermetic storage system for containing wipes” recited in independent Claim 35 (as amended) would not have been obvious in view of Armstrong, alone or in any proper combination with Luburic and/or Ishikawa et al. under 35 U.S.C. § 103(a).

Accordingly, the Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a) and allowance of independent Claims 1, 24, 30-32 and 35 (as amended) and dependent Claims 2-23 as they depend from independent Claim 1, dependent Claims 25-29 as they depend from independent Claim 24, dependent Claims 33-34 as they depend from independent Claim 32, and dependent Claims 36-41 as they depend from independent Claim 35.

* * *

Claims 1, 22-24, 30, 31, 32 and 35 have been amended. The Applicants respectfully submit that each and every pending rejection has been overcome, and that the present Application is in a condition for allowance. In particular, even when the elements of the Applicants’ claims, as discussed above, are given a broad construction and interpreted to cover equivalents, the cited references do not teach, disclose, or suggest the claimed subject matter. Favorable reconsideration of the Application is respectfully requested.

The Applicants respectfully put the Patent Office and all others on notice that all arguments, representations, and/or amendments contained herein are only applicable to the present patent Application and should not be considered when evaluating any other patent or patent application including any patents or patent applications which claim priority to this patent Application and/or any patents or patent applications to which priority is claimed by this patent Application.

The Examiner is invited to contact the undersigned by telephone if the Examiner believes that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by the credit card payment providing incorrect information resulting in a rejected credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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